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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

SOCIÉTÉ DU FIGARO, SAS, a French simplified joint-stock company; L'ÉQUIPE 24/24 SAS, a French simplified joint-stock company, on behalf of themselves and all others similarly situated; and LE GESTE, a French association, on behalf of itself, its members, and all others similarly situated,

Plaintiffs,

V.

APPLE INC., a California corporation,

Defendant.

CASE NO. 4:22-cv-04437-YGR

**DECLARATION OF CAELI A. HIGNEY
IN SUPPORT OF APPLE INC.'S
REQUEST FOR JUDICIAL NOTICE**

Hearing:

Date: March 14, 2023
Time: 2:00 p.m.
Place: Courtroom 1
Judge: Hon. Yvonne Gonzalez Rogers

1 I, CAELI A. HIGNEY, declare as follows:

2 1. I am an attorney duly licensed by the State Bar of California and admitted to
3 practice before this Court. I am a partner in the law firm of Gibson, Dunn & Crutcher LLP, and I
4 represent Apple Inc. (“Apple”) in the above-captioned case. I make this declaration in support of
5 Apple’s concurrently filed request for judicial notice. I have personal knowledge of the facts stated
6 in this declaration and, if called upon, could and would testify competently thereto.

7 2. Attached hereto as **Exhibit A** is a true and correct copy of the August 1, 2022 press
8 release *France-Based iOS Developers Team up with U.S. Firm Hagens Berman in Antitrust Class-*
9 *Action Lawsuit Against Apple’s App Store Fees* published by Bloomberg. I accessed this press
10 release on January 20, 2023 at the web address <https://www.bloomberg.com/press-releases/2022-08-01/france-based-ios-developers-team-up-with-u-s-firm-hagens-berman-in-antitrust-class-action-lawsuit-against-apple-s-app-store>.

13 3. Attached hereto as **Exhibit B** is a true and correct copy of the September 6, 2022
14 press release “Why a French association of developers together with two of the highest profile
15 press publishers – le Figaro and l’Equipe, filed a class action against Apple in the US?” on the
16 website of plaintiff le GESTE. I accessed this press release on January 20, 2023 at the web address
17 <https://geste.fr/les-raison-de-la-class-action-geste-le-figaro-lequipe-contre-apple-aux-etats-unis>.

18 4. Attached hereto as **Exhibit C** is a true and correct copy of the Order Concerning
19 Defendant Apple Inc.’s Demurrer to Plaintiffs’ Complaint, entered on February 4, 2022, in
20 *Beverage v. Apple Inc.*, Case No. 20CV370535 (Cal. Sup. Ct., Santa Clara Cnty).

21 5. Attached hereto as **Exhibit D** is a true and correct copy of the Order Concerning
22 Defendant Apple Inc.’s Demurrer to Plaintiffs’ Second Amended Complaint, entered on August
23 29, 2022, in *Beverage v. Apple Inc.*, Case No. 20CV370535 (Cal. Sup. Ct., Santa Clara Cnty).

24 I declare under penalty of perjury that the foregoing is true and correct. This declaration
25 is executed on this 20th day of January, 2023, in San Francisco, California.

26 GIBSON, DUNN & CRUTCHER LLP

27 By: /s/ Caeli A. Higney
28 Caeli A. Higney

1 **ATTORNEY ATTESTATION**

2 I, Cynthia E. Richman, am the ECF user whose identification and password are being used
3 to file the foregoing document. Pursuant to Civil Local Rule 5-1(h)(3) regarding signatures, I
4 attest that concurrence in the filing of this document has been obtained.

5 Dated: January 20, 2023

6 GIBSON, DUNN & CRUTCHER LLP

7

8 By: /s/ Cynthia E. Richman

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